IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 696 OF 2006

Mumbai General Employees Association ... Petitioner

V/s.

The Development Corporation of Konkan Limited & Anr. ... Respondent

Mr. A.V. Bykhari with Mr. B.V. Bukhari for the petitioner.
Mrs. Lata Desai for the respondent No.1.
Mr. P.M. Mokashi for the respondent No.2.
Mr. V.S. Punde, Desk Officer, Industrial Department present.

CORAM : F.I. REBELLO,
ANOOP V. MOHTA,JJ.
DATED : 29th March, 2006

P.C.

. It is grievance of the petitioner that inspite of the fact that Board under the provisions of Maharashtra State Enterprises (Restructuring and Other Special provisions) Act, 2000, which is competent authority to issue directions has still not passed order directing closure of the respondent No. 2 - Corporation or its subsidiaries. Inspite of that circular is issued on 27.02.2006. First part of the circular is an option to the employees who wish to take voluntary retirement. The second part of the circular is that those who do not take voluntary retirement will be compulsorily retired from the

services of the Corporation. Once the Corporation is covered by the provisions of the Act, then they are bound to follow the provisions of the Act and cannot declare closure without orders from the Board. In the instant case the matter is still pending before the Board. On behalf of respondent No. 2 the learned AGP received instructions from Shri V.S. Punde, Desk Officer, Industries Department that no order has been passed by the Board directing closure of the Corporation. It is also pointed out that members have been appointed to the Board. Considering the above, in our opinion, this petition can be disposed of by issuing following directions :-

(i) The circular dated 27.02.2006 being without authority of law is quashed and setaside.

(ii) The respondent No. 2 is directed to forthwith make payment to the Board, not later than four weeks from today.

(iii) It is open for the respondent No. 1 - Corporation to move the Board on reconstitution or appointment of its members for necessary directions.

(iv) As far as members of the petitioner who are in service are concerned, they will have to pay their salary and allowances in terms of their existing conditions of the services.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]